



# COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road  
Novi, MI 48375  
(248) 347-0415 Phone  
(248) 735-5600 Facsimile  
[www.cityofnovi.org](http://www.cityofnovi.org)

## ZONING BOARD OF APPEALS STAFF REPORT

**FOR:** City of Novi Zoning Board of Appeals      **ZONING BOARD APPEALS DATE:** June 14, 2016

**REGARDING:** WEST LAKE DRIVE (PZ16-0021), Parcel 50-22-03-131-025

**BY:** Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Kurt & Jenna Houghton

**Variance Type**

Dimensional Variance

**Property Characteristics**

Zoning District:	R-4, Single Family Residential
Location:	South of 14 Mile Road and west of Novi Road
Parcel #:	50-22-03-131-025

**Request**

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5.d to allow construction of a new home on an existing non-conforming lot with reduced side yard setbacks (10 feet required, 4.0 feet proposed) , aggregate side setback (25 feet required, 8 feet proposed), an increase in the allowable lot coverage of 11% (36% proposed, 25% allowed) and a variance from section 3.23.8 to allow additional projection into the reduced side yard setback (2.0 ft. proposed, 0.67ft. allowed) . The property is zoned R-4.

### II. STAFF COMMENTS:

**Proposed Changes**

The applicant is requesting approval to construct a new home with variances including side yard setbacks, lot coverage with an additional projection into the reduced side yard setback.

### III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. I move that we **grant** the variance in Case No. **PZ16-0021**, sought by \_\_\_\_\_, for \_\_\_\_\_ because Petitioner has shown practical difficulty requiring \_\_\_\_\_.

- (a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because \_\_\_\_\_

- \_\_\_\_\_.
- (b) The property is unique because\_\_\_\_\_
- \_\_\_\_\_.
- (c) Petitioner did not create the condition because\_\_\_\_\_
- \_\_\_\_\_.
- (d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because\_\_\_\_\_
- \_\_\_\_\_.
- (e) The relief if consistent with the spirit and intent of the ordinance because
- \_\_\_\_\_
- \_\_\_\_\_.
- (f) The variance granted is subject to:
1. \_\_\_\_\_.
  2. \_\_\_\_\_.
  3. \_\_\_\_\_.
  4. \_\_\_\_\_.

2. I move that we **deny** the variance in Case No. **PZ16-0021**, sought by \_\_\_\_\_, for\_\_\_\_\_ because Petitioner has not shown practical difficulty requiring \_\_\_\_\_.

- (a) The circumstances and features of the property including\_\_\_\_\_ are not unique because they exist generally throughout the City.
- (b) The circumstances and features of the property relating to the variance request are self-created because\_\_\_\_\_
- \_\_\_\_\_.
- (c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioners statements that \_\_\_\_\_.
- (d) The variance would result in interference with the adjacent and surrounding properties by\_\_\_\_\_.
- (e) Granting the variance would be inconsistent with the spirit and intent of the ordinance to\_\_\_\_\_
- \_\_\_\_\_.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0423.

Larry Butler

**Zoning Board Of Appeals**

Kurt & Jenna Houghton

Case # PZ16-0021

Deputy Director Community Development

City of Novi

June 14, 2016

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## ZONING BOARD OF APPEALS APPLICATION

**APPLICATION MUST BE FILLED OUT COMPLETELY**

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: _____	
PROJECT NAME / SUBDIVISION				Meeting Date: _____	
ADDRESS		LOT/SIUTE/SPACE #		ZBA Case #: PZ _____	
SIDWELL # 50-22-_____-_____-_____		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?			REQUEST IS FOR:		
<input type="checkbox"/> YES <input type="checkbox"/> NO			<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE		
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>II. APPLICANT INFORMATION</b>					
<b>A. APPLICANT</b>		EMAIL ADDRESS		CELL PHONE NO.	
NAME				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS		CITY		STATE	ZIP CODE
<b>B. PROPERTY OWNER</b> <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS		CELL PHONE NO.	
NAME				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS		CITY		STATE	ZIP CODE
<b>III. ZONING INFORMATION</b>					
<b>A. ZONING DISTRICT</b>					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input type="checkbox"/> OTHER _____					
<b>B. VARIANCE REQUESTED</b>					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section _____ Variance requested _____					
2. Section _____ Variance requested _____					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
<b>IV. FEES AND DRAWINGS</b>					
<b>A. FEES</b>					
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250					
<input type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400					
<input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600					
<b>B. DRAWINGS    1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>					
• Dimensioned Drawings and Plans			• Existing & proposed distance to adjacent property lines		
• Site/Plot Plan			• Location of existing & proposed signs, if applicable		
• Existing or proposed buildings or addition on the property			• Floor plans & elevations		
• Number & location of all on-site parking, if applicable			• Any other information relevant to the Variance application		



# ZONING BOARD OF APPEALS APPLICATION

## V. VARIANCE

### A. VARIANCE (S) REQUESTED

DIMENSIONAL     USE     SIGN

There is a five-(5) hold period before work/action can be taken on variance approvals.

### B. SIGN CASES (ONLY)

Your signature on this application indicates that you agree to install a **Mock-Up Sign ten-(10) days** before the schedule ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is **NOT** to be actual sign. Upon approval, the mock-up sign must be removed within five-(5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five-(5) days of the meeting.

### C. ORDINANCE

#### City of Novi Ordinance, Section 3107 – Miscellaneous

No order of the Board permitting the erection of a building shall be valid for a period longer than one-(1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty-(180) days unless such use is establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one-(1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

### D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

CONSTRUCT NEW HOME/BUILDING     ADDITION TO EXISTING HOME/BUILDING     SIGNAGE  
 ACCESSORY BUILDING     USE     OTHER \_\_\_\_\_

## VI. APPLICANT & PROPERTY SIGNATURES

### A. APPLICANT

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

### B. PROPERTY OWNER

**If the applicant is not the owner, the property owner must read and sign below:**

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the contents of this application and related enclosures.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

## VII. FOR OFFICIAL USE ONLY

### DECISION ON APPEAL:

GRANTED

DENIED

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following and conditions:

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
Date



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# ZONING BOARD OF APPEALS VARIANCE APPLICATION CHECKLIST

The following items are required for a complete Variance application. Incomplete applications will be returned.

**Signed Application Form**

Complete the Zoning Board of Appeals application form. Application must be signed by the applicant and the property owner (if different).

**Response to Variance Review Standards – Dimensional, Use, or Sign**

Select the applicable Review Standards for the requested Variance and complete in full. Use additional paper if needed. If you don't know which Review Standards to complete, call the Community Development Department at 248.347.0415 for guidance.

**Dimensioned Site Plan (1 copy & 1 digital copy submitted as a PDF)**

- Existing or proposed buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Location of existing and proposed signs, if applicable.
- Any other information relevant to the Variance application.

**Dimensioned Drawings and Plans (1 copy & 1 digital copy submitted as a PDF)**

- Floor plans and elevations with all proposed buildings and additions.
- All existing and proposed signs on the property (photographs may be used).
- For use variances, include floor plan showing the existing and proposed layout and functions of each area.
- For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)

**Other Helpful Information – Optional (1 copy & 1 digital copy submitted as a PDF)**

- Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
- Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
- Letters of support from the neighbors who would be most affected by your request.

**Fee (make check payable to the City of Novi)**

Single Family Residential (Existing) \$200 (With Violation) \$250  
Single Family Residential (New) \$250  
Multiple/Commercial/Industrial \$300 (With Violation) \$400  
Signs \$300 (With Violation) \$400  
House Moves \$300  
Special Meetings (At discretion of Board) \$600

### Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.



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**REVIEW STANDARDS  
DIMENSIONAL VARIANCE**

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Dimensional Variance.)

**Standard #1. Circumstances or Physical Conditions.**

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

- a. **Shape of Lot.** Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.  
 Not Applicable     Applicable    If applicable, describe below:

*and/or*

- b. **Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure.  
 Not Applicable     Applicable    If applicable, describe below:

*and/or*

- c. **Abutting Property.** The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve significant practical difficulties.  
 Not Applicable     Applicable    If applicable, describe below:

## **Standard #2. Not Self-Created.**

Describe the immediate practical difficulty causing the need for the Dimensional Variance, that the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).

## **Standard #3. Strict Compliance.**

Explain how the Dimensional Variance in strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

## **Standard #4. Minimum Variance Necessary.**

Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

## **Standard #5. Adverse Impact on Surrounding Area.**

Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

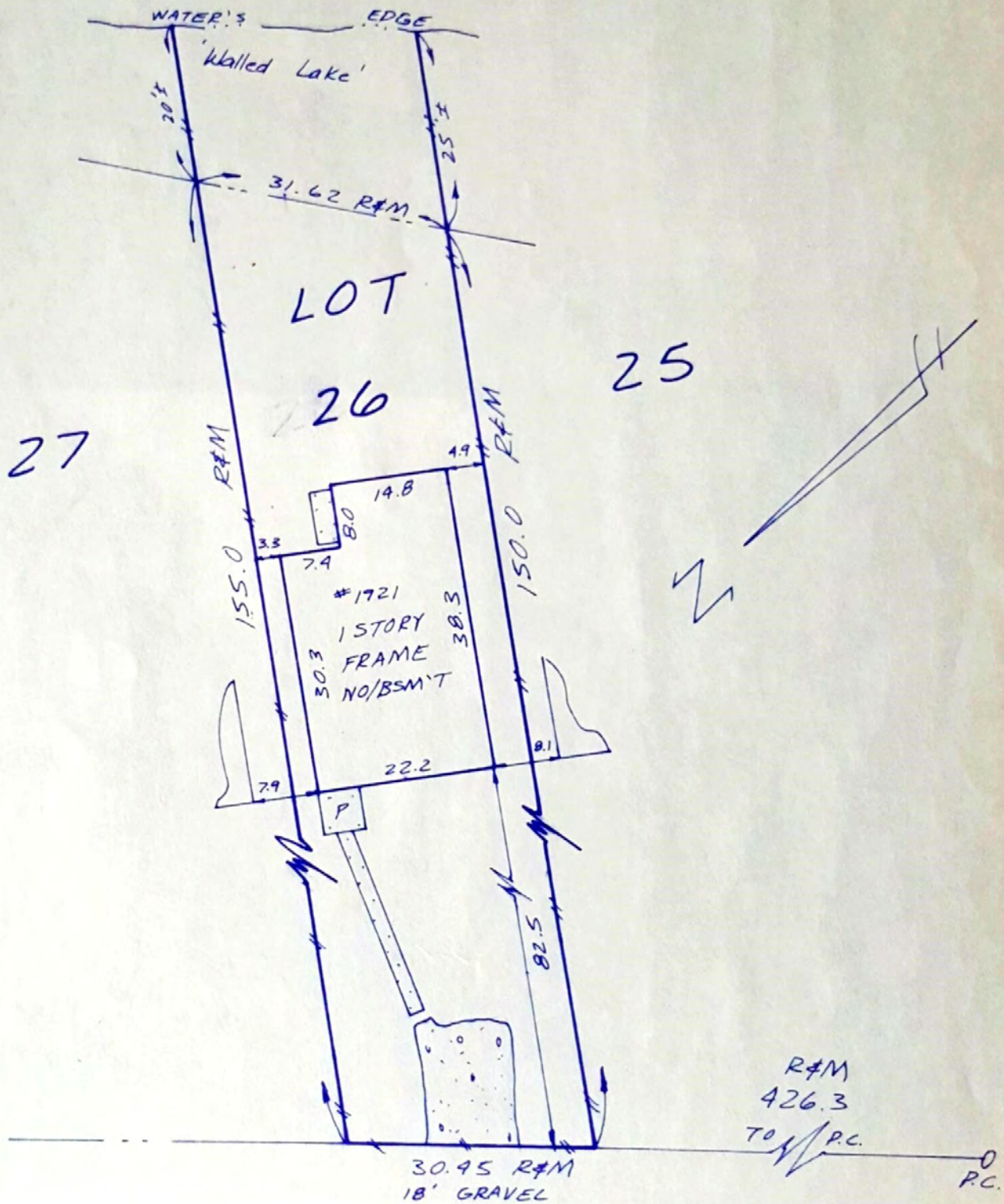


# MORTGAGE CERTIFICATE

Scale: 1" = 20' Date May 31, 1988 Final

**Description:**

Lot 26  
 Bentley Subdivision Located in N.W. 1/4 Sect. 3, T. 1 N., R. 8 E.,  
 Township of Novi, Oakland Co., Michigan, Sec'd L. 10, P. 3 Flats,  
 O.C.R.



## WEST LAKE DR. 30' WD. CERTIFICATE

We hereby certify to \_\_\_\_\_  
 for the purpose of a mortgage made or to be made by the said \_\_\_\_\_ companies  
 to \_\_\_\_\_ Ralph S. and Barbara B. Lazzara

that we have inspected the property herein described: that there are located entirely thereon as shown, buildings and improvements, and that said building and improvements are within the property lines and that there are no existing encroachments upon the land and property described whatsoever, except as shown. This mortgage inspection is not to be used to establish property lines, easement line, public right-of-way lines, building lines, conformity or non conformity to State, County or Local ordinances and/or codes, etc.

**CERTIFIED TO ALL TITLE COMPANYS:**

- |                    |               |              |         |
|--------------------|---------------|--------------|---------|
| Commonwealth Land  | Wayne Oakland | Great Lakes  | Lawyers |
| Trans America      | Stewart       | Wayne County | Detroit |
| Pioneer National   | St. Paul      | Tri County   | Chicago |
| Philip F. Greco    | Master        | Interstate   | Paragon |
| Philip R. Seaver   | Shield        | America      | Lincoln |
| Certified Abstract | Covenant      | Heritage     | Omega   |
| First Fidelity     | Old Colonial  | Guardian     | First   |

**CIVIL ENGINEER & LAND SURVEYORS  
 SCHRADER-PORTER & ASSOCIATES, INC.**

27010 Joy Road - Redford, Michigan 48239  
 937-3590 937-3592

By L. R. Schrader

Houghton  
Proposed Home Design

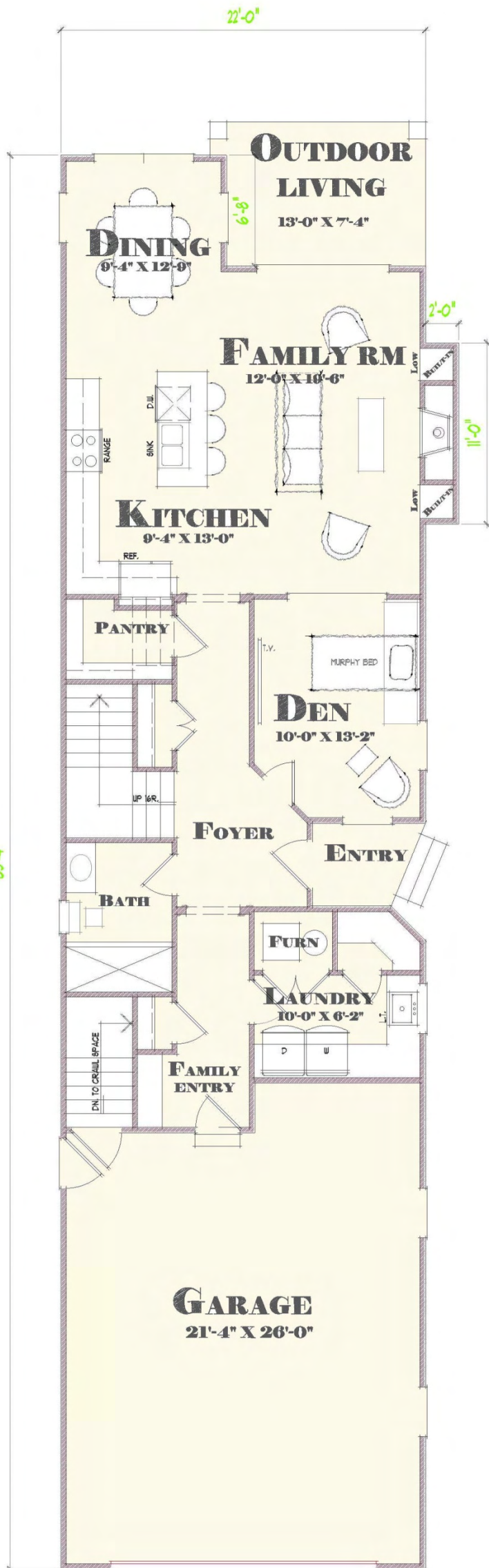
5-23-2016  
2405 Total sq.ft.



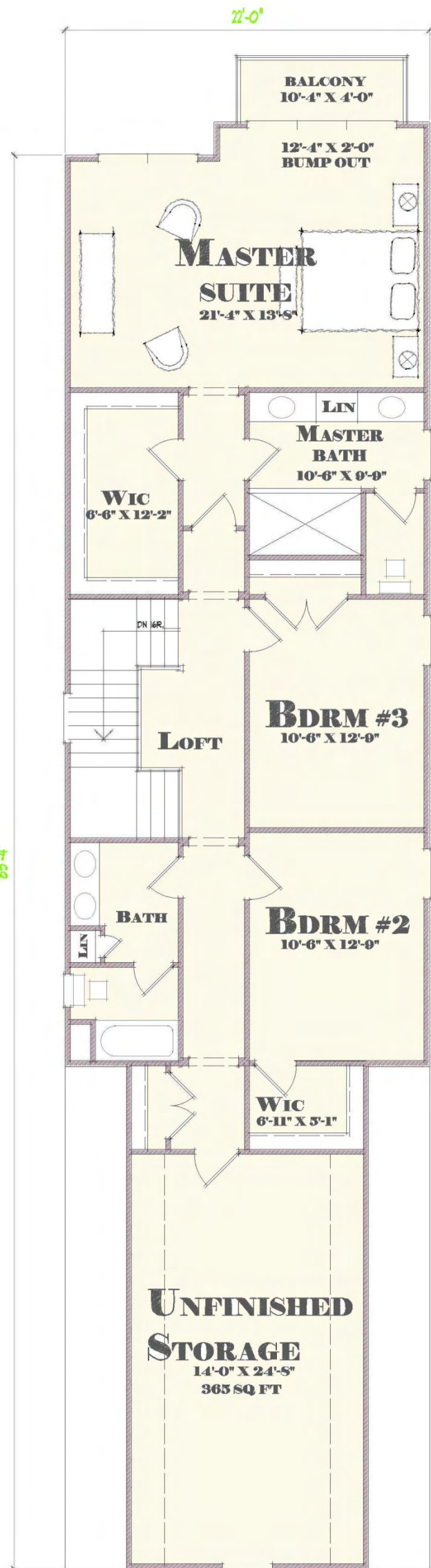
T K D E S I G N

— & —

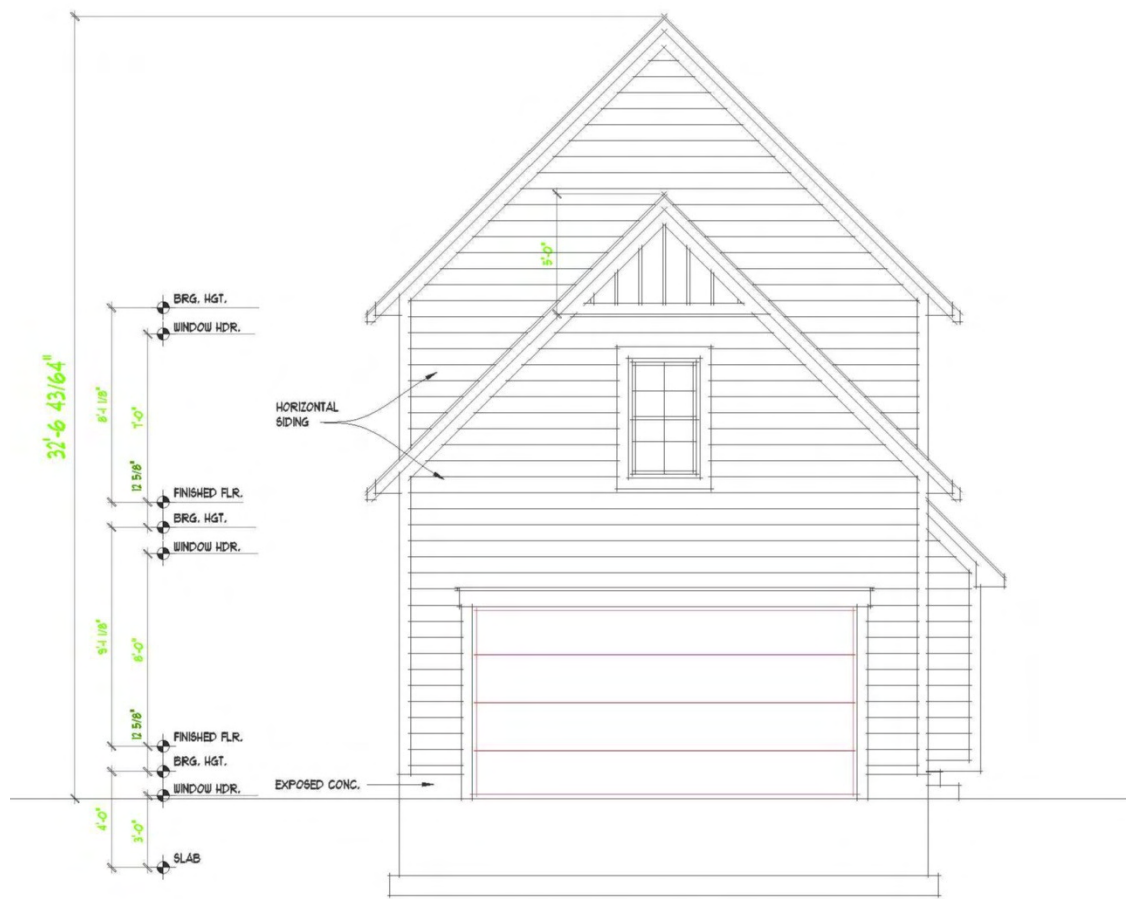
A S S O C I A T E S



**FIRST FLOOR**  
1166 SQ FT



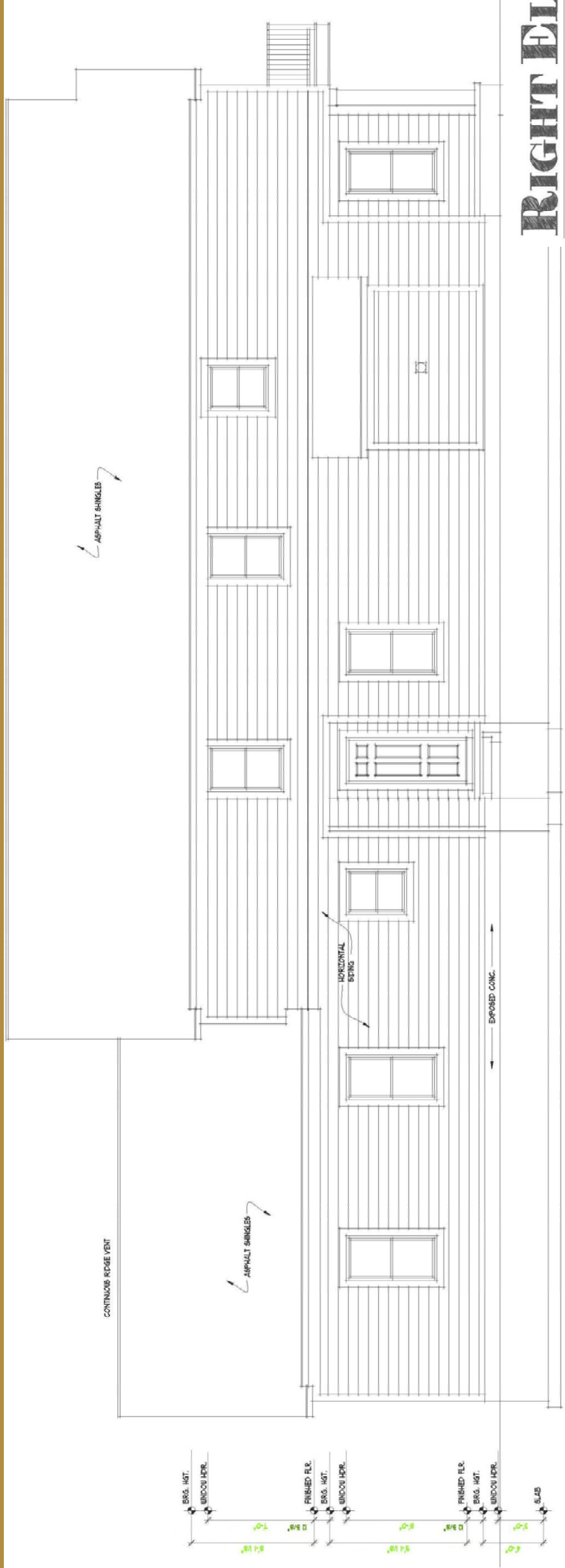
**SECOND FLOOR**  
1230 SQ FT



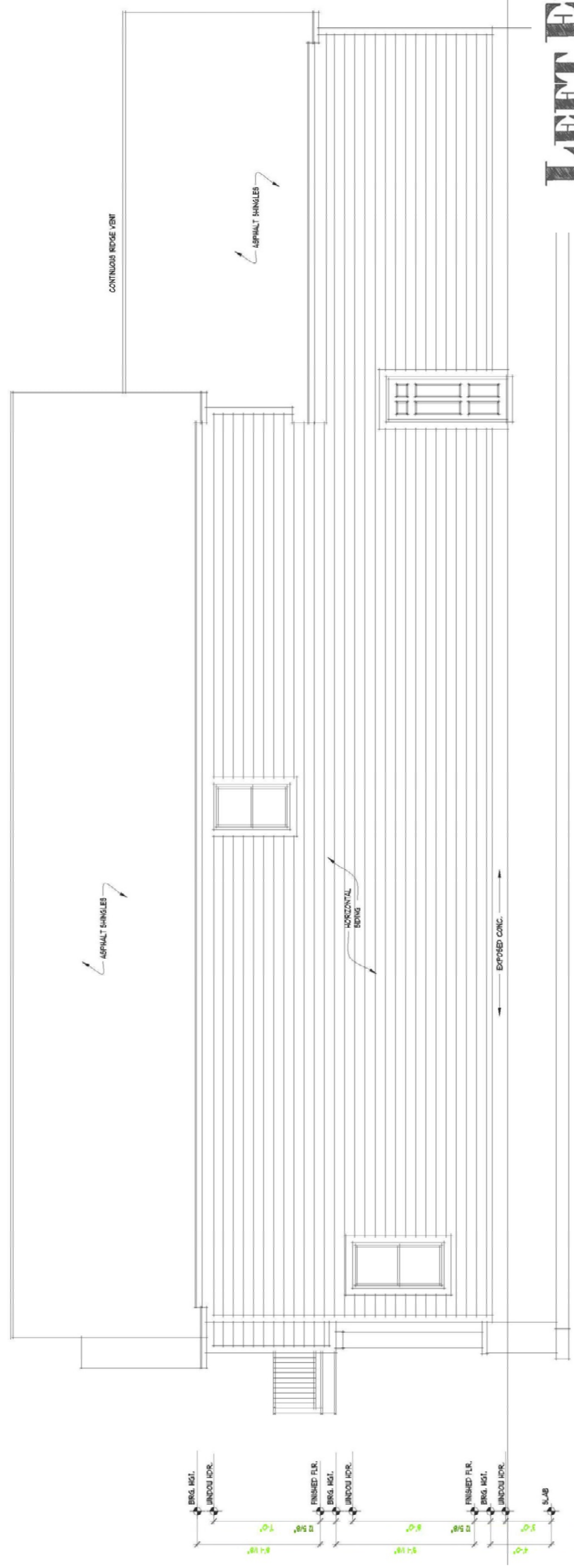
**FRONT ELEVATION**  
**SCALE: 1/4" = 1'-0"**



**REAR ELEVATION**  
**SCALE: 1/4" = 1'-0"**



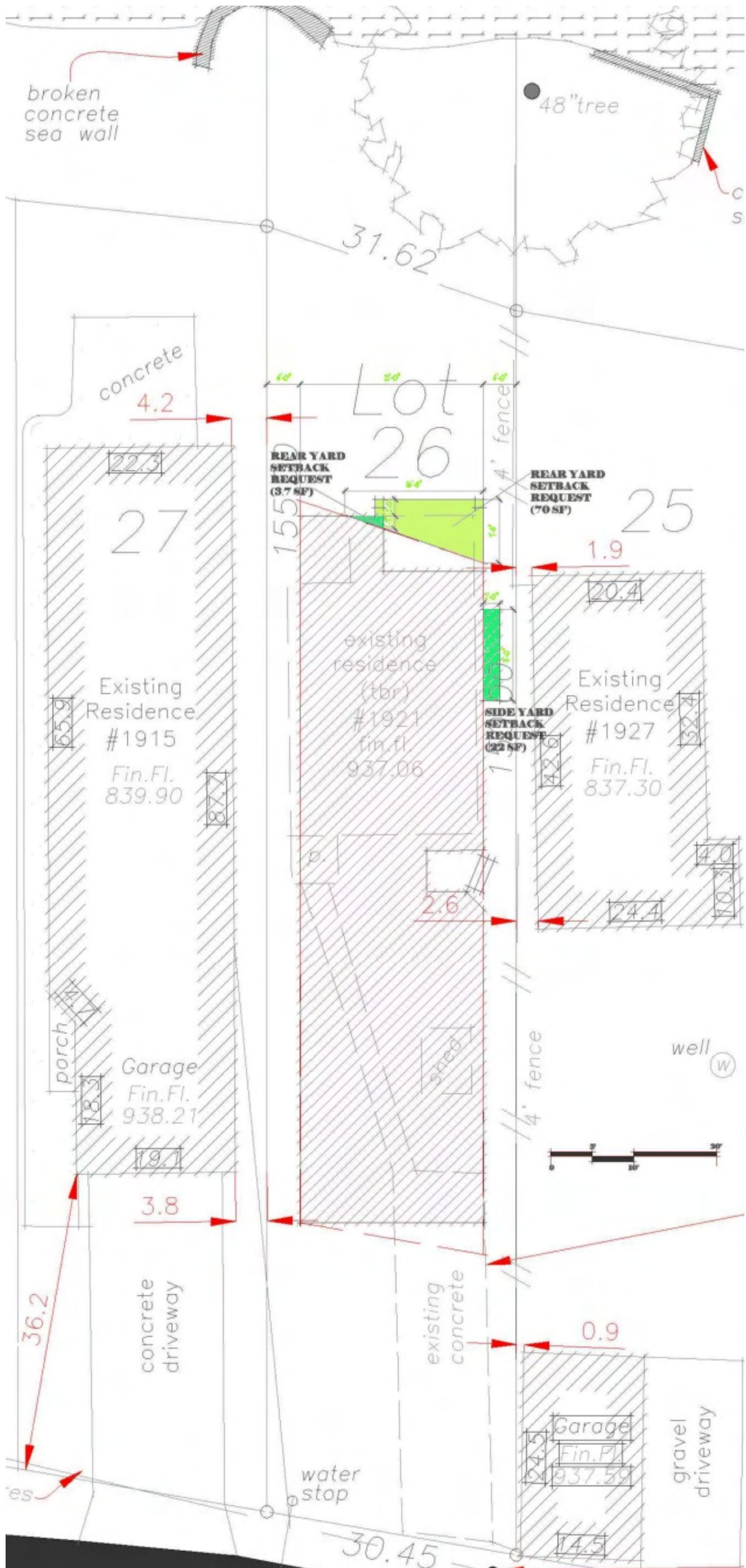
**RIGHT ELEVATION**  
**SCALE: 1/4" = 1'-0"**



**LEFT ELEVATION**  
**SCALE: 1/4" = 1'-0"**



Rendering  
Proposed Rear Elevation



broken concrete sea wall

48" tree

31.62

Lot 26

25

27

Existing Residence #1915  
Fin. Fl. 839.90

existing residence (tbr) #1921  
fin. fl. 937.06

Existing Residence #1927  
Fin. Fl. 837.30

Garage Fin. Fl. 938.21

shed

well (W)



concrete driveway

existing concrete

Garage Fin. Fl. 937.59

gravel driveway

water stop

30.45

es

concrete 4.2

REAR YARD SETBACK REQUEST (3.7 SF)

REAR YARD SETBACK REQUEST (70 SF)

SIDE YARD SETBACK REQUEST (22 SF)

porch

4' fence

4' fence

3.8

0.9

36.2

15.5

1.9

2.6

24.4

22.3

20.4

6.5

4.2

8.7

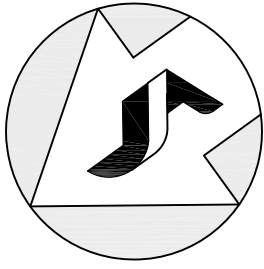
4.0

19.1

10.3

4.5

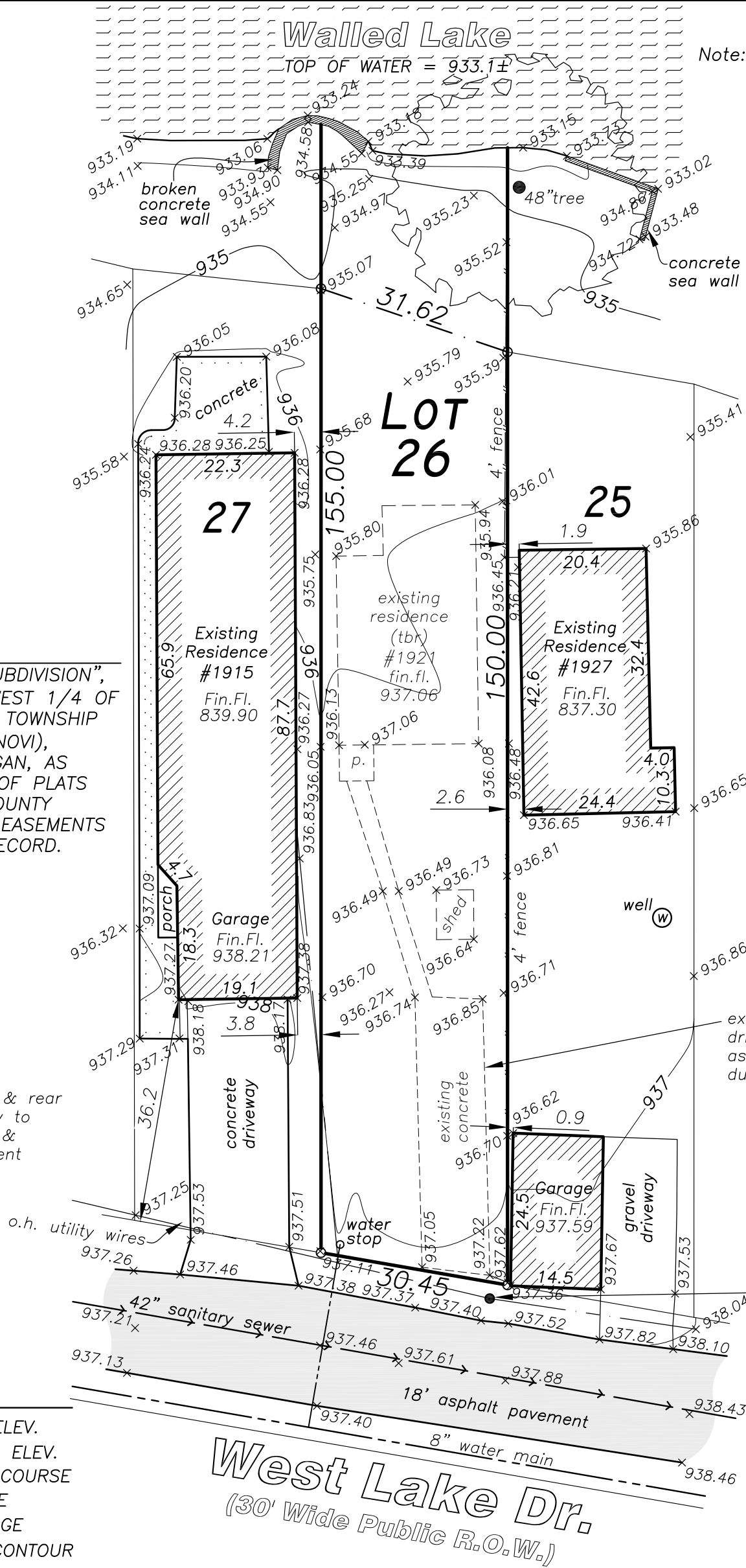
14.5



# Walled Lake

TOP OF WATER = 933.1±

Note: A "Right-of-Way Permit" is required from the City of Novi Engineering Department must be issued prior to issuance of Building Permit.



Note: Install & maintain inlet filter & silt fence throughout construction

### LEGAL DESCRIPTION

LOT 26 OF, "BENTLEY SUBDIVISION", LOCATED IN THE NORTHWEST 1/4 OF SECTION 3, T.1N., R.8E., TOWNSHIP OF NOVI (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 10 OF PLATS ON PAGE 3, OAKLAND COUNTY RECORDS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

### Note:

Silt fence along side & rear lot lines as necessary to protect existing lawn & landscaping on adjacent property.

existing concrete driveway to be used as mud tracking mat during construction

NAVD88 BENCH MARK  
MAG NAIL IN EAST FACE OF UTILITY POLE  
ELEVATION = 938.37

### LEGEND

- 000.00 = EXISTING ELEV.
- 000.00 = PROPOSED ELEV.
- = DRAINAGE COURSE
- ~~~~~ = SILT FENCE
- F.G. = BRICK LEDGE
- ~~~~~ = EXISTING CONTOUR

**West Lake Dr.**  
(30' Wide Public R.O.W.)

## GRADING PLAN

prepared for: Jenna Houghton  
1921 West Lake Dr.  
Novi, MI 48337  
(248) 426-0385

**JEKABSON & ASSOCIATES, P.C.**  
Professional Land Surveyors  
1320 Goldsmith, Plymouth, MI 48170  
(734) 414-7200 (734) 414-7272 fax  
by



PLAN	Custom
DATE	17 MAY 16
JOB NO.	16-04-011
SCALE	1" = 20'
DRAWN	JRN
CHECKED	JGE
SHEET	1 OF 1



Know what's below.  
Call before you dig.



TO: CITY OF NOVI  
ZONING BOARD OF APPEALS  
45175 TEN MILE ROAD  
NOVI, MI 48375

Please note my comments to 1921 WEST LAKE DRIVE (PZ16-0021)

Please note my (Approval) (Objection) to the requested variance.

Comments:

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**(PLEASE PRINT CLEARLY)**

Name: Robert Hull and Brenda Topp

Address: 1929 West Lake Dr

Date: June 5, 2016

Zoning Board of Appeals meetings are broadcast live on Bright House channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at [cityofnovi.org](http://cityofnovi.org).



